



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO THE WAIKIKI SPECIAL DISTRICT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the provisions in the Land Use Ordinance pertaining to the Waikiki Special District.

SECTION 2. Section 21-2.110-2, Revised Ordinances of Honolulu 1990, as amended ("Planned development-resort and planned development-commercial projects"), is amended as follows:

"Sec. 21-2.110-2 Planned development-resort and [planned development-commercial] planned development-apartment projects.

- (a) Applications for approval of planned development-resort (PD-R) and [planned development-commercial (PD-C)] planned development-apartment (PD-A) projects in the Waikiki special district shall be processed in accordance with the following subsections.
- (b) Before the submission of an application, the applicant shall first present the proposal to the neighborhood board in whose district the project is to be located. Notice of the presentation, or the applicant's good faith efforts to make such a presentation, shall be given to all owners of properties adjoining the proposed project.
- (c) Upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, providing the council with the date of the director's acceptance of the application and a brief description of the proposal contained in the application. The director shall hold a public hearing concerning the conceptual plan for the project at a date set no less than 21 nor more than 60 calendar days after the date on which the completed application is accepted, unless the 60-day period is waived by the applicant. This hearing may be held jointly and concurrently with any other hearing required for the same project. The director shall give written notice of the public hearing to the neighborhood board in whose district the project is to be located no less than 15 days prior to the public hearing.



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- (d) The conceptual plan for the project shall also be presented to the design advisory committee for its appropriate recommendations prior to transmittal of the application to the council for a conceptual plan review and approval.
- (e) Upon conclusion of the public hearing and design advisory committee review, and not more than 80 days after acceptance of the application, unless the applicant waives the 80-day period, the director shall submit a report and recommendations to the council.
- (f) The council shall approve the application in whole or in part, with or without conditions or modifications, by resolution, or shall deny the application. The council may deny the application by resolution, but if the council does not take final action within 60 days after its receipt of the application, the application shall be deemed denied. The applicant may request, and the council may approve, an extension of time if it is made in writing, prior to the requested effective date of the extension. An application for council approval of a conceptual plan for a PD-R or [(PD-C)] (PD-A) project may be processed concurrently with development plan amendments under Chapter 24, special management area use permits under Chapter 25, and zoning district changes.
- (g) Upon approval of a conceptual plan for the project by the council, the application shall continue to be processed for further detailed review and final approval by the director.
 - (1) The director shall present the detailed plan for the project to the design advisory committee for its recommendation.
 - (2) Within 45 days of council approval, the director shall approve the application in whole or in part, with or without conditions or modifications, or deny the application, with reasons for final action set in writing to the applicant.
 - (3) The applicant may request in writing to the director an extension of time as may be necessary for good cause.
- (h) A final approval by the director shall be considered a major special district permit for the project, notwithstanding that the application has been processed in accordance with this section and not Section 21-2.40-2."

SECTION 3. Section 21-7.40, Revised Ordinances of Honolulu 1990, as amended ("Specific district sign standards") is amended by amending subsection (l) to read as follows:



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"(I) Waikiki District. Except as otherwise provided by this chapter, the following signs may be permitted for each ground floor establishment with building frontage, provided the signs shall not be directly illuminated, and may be wall, marquee fascia or hanging signs.

(1) Apartment Precinct and Apartment Mixed Use Subprecinct.

- (A) In connection with any principal use permitted, other than one-family and two-family dwellings, only one identification sign per building frontage, not exceeding 12 square feet in area.
- (B) If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each entry side. These ground signs shall not be located in any required yard. In lieu of one of the above signs, one garden sign may be permitted.
- (C) In addition to the above, the following may be permitted in the apartment mixed use subprecinct:
 - (i) One directory sign per zoning lot, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign; and
 - (ii) One building identification sign per building frontage, not exceeding four square feet in area.

(2) Resort Mixed Use [and Resort Commercial Precincts.] Precinct.

- (A) In connection with any principal use permitted, other than one-family and two-family dwellings, only one business sign, per building frontage, with a maximum area of one square foot per one linear foot of the building frontage or 36 square feet, whichever is less.
- (B) In addition to the sign referred to in paragraph (A) above, one building directory or identification sign per building frontage may be erected, not exceeding 12 square feet in area, which may be a



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ground sign not exceeding six feet in height, a wall sign or a garden sign.

- (3) A permitted outdoor vending cart, kiosk or similar vending structure, when visible from a street, sidewalk or public space, may be permitted the following:
- (A) One business identification sign not exceeding three square feet in area; and
 - (B) One price sign, not exceeding two square feet in area, to advertise the cost of goods and services provided by the establishment.

These signs shall be wholly attached to the vending structure.

- (4) For each second floor establishment with building frontage in the apartment mixed use subprecinct[, resort commercial precinct] and resort mixed use precinct, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.
- (5) All signs shall feature English or Hawaiian as the dominant language thereon; other languages are permitted but the lettering thereof must be subordinate to the English or Hawaiian lettering."

SECTION 4. Section 21-9.80-4, Revised Ordinances of Honolulu 1990, as amended ("General requirements and design controls") is amended by amending subsection (a) to read as follows:

"(a) Uses and Structures Allowed in Required Yards and Setbacks. The provisions of Section 21-4.30 shall apply except as provided by this subsection. No business activity of any kind, including advertising, promotion, solicitation, merchandising or distribution of commercial handbills, or structures or any other use or activity, except as provided by this subsection, shall be located or carried out within any required yard, street or building setback area, except those areas occupied by enclosed nonconforming buildings. The following may be allowed in required yards and setbacks, and when used as provided by this subsection shall not be considered to change a yard's status as open space:

- (1) Newspaper sales and distribution.
- (2) Garden signs.



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- (3) Porte cocheres no less than five feet back from the property line or road widening setback.
- (4) Roof eaves, awnings (including retractable awnings) and other sunshade devices not more than 42 inches vertically or horizontally beyond the building face, except as otherwise provided by this subsection. On buildings over 60 feet in height, roof eaves may extend more than 42 inches into a required yard, street setback or height setback area if the resulting roof form is integral to a cohesive, coherent design character for the structure. In no case, however, shall such extension exceed one-half the width of the required yard or height setback.
- (5) Outdoor dining areas accessory to permitted eating establishments in required front yards, subject to the following:
 - (A) A planter or hedge of not more than 30 inches in height may be provided to define the perimeter of the outdoor dining area. A decorative railing may be permitted in lieu of a planter or hedge subject to the approval of the director.
 - (B) An outdoor dining area shall be no less than five feet from any property line.
 - (C) Outdoor dining facilities shall be limited to portable chairs, tables, serving devices and umbrellas. When umbrellas are used, they shall not be counted against open space calculations.
 - (D) [No more than 40] Up to 100 percent of the front yard may be used as an accessory outdoor dining area, subject to an acceptable design. The remainder of the front yard shall be landscaped except for necessary access drives and walkways, and where lei stands are used as permitted under subdivision (6).
 - (E) Retractable awnings directly associated with an outdoor dining area may extend from the building face into the front yard [by no more than 50 percent of the depth of the front yard].
 - (F) Sidewalk improvements such as, but not limited to, street trees, paving and landscaping, may be required.



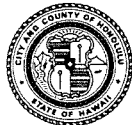
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- (G) Outdoor dining areas shall not be used after 11 p.m. and before 7 a.m.
 - (H) No dancing, entertainment, or live or recorded music shall be permitted in outdoor dining areas, provided that strolling musicians using nonamplified acoustic stringed instruments or traditional Hawaiian wind instruments shall be permitted to perform no later than 10 p.m. when the dining areas are in use.
 - (I) The requirements under paragraphs (A) through (F) may be modified, subject to a major or minor special district permit, as required by Table 21-9.6(C), to a reasonable extent as may be necessary and appropriate to adequately accommodate outdoor dining areas associated with structures that are nonconforming due to required yards, landscaping and/or open spaces.
- (6) Lei making and selling in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:
- (A) The activity shall be no less than five feet from any property line.
 - (B) No more than 10 percent of the front yard may be used for lei stands. The remainder of the front yard shall be landscaped except for necessary access drives or walkways, and where outdoor dining is used as permitted under subdivision (5).
 - (C) Signs. Refer to Article 7 for permitted signs.
 - (D) The operator of a lei stand shall provide for the concealed disposal of trash associated with the use.
- (7) Vending carts in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:
- (A) The front yard shall conform to the applicable front yard standard set forth in Table 21-9.6(B).
 - (B) Only food, nonalcoholic drinks and fresh cut or picked flowers may be sold. Food consistent with a Hawaiian sense of place shall be encouraged.



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- (C) The cart shall be no less than five feet from any property line.
 - (D) One cart per front yard per zoning lot or one cart per front yard per 100 feet of lot frontage shall be permitted[.], whichever is greater.
When computation of the total number of permitted carts results in a fractional number with a major fraction (i.e., 0.5 or greater), the number of carts permitted shall be the next highest whole number.
 - (E) Permitted signs shall be in accordance with Article 7.
 - (F) The cart operator shall provide for the concealed disposal of trash associated with the use.
- (8) Walls and fences for dwelling uses, other than nonconforming hotels and/or transient vacation units, in the apartment precinct, up to a maximum height of six feet, provided the wall or fence shall be set back not less than 24 inches from the front property line and shall be acceptably screened with planting material from the street side. The wall or fence shall consist of an open material, preferably wrought iron or lattice work, but not chain link. Solid walls are discouraged, but may be permitted when constructed of an acceptable material, such as wood, moss rock or stucco-finished masonry, set back at least five feet from the front property line and acceptably screened with planting material from the street side.
- (9) Interactive informational displays, provided the following standards are met:
- (A) Only one interactive informational display per common entryway to a project site shall be permitted, which shall not encroach into or otherwise obstruct any public sidewalk or pedestrian easement. For purposes of this subdivision, a "common entryway" shall mean an opening providing public pedestrian access to two or more business establishments from any public sidewalk, pedestrian easement, or right-of-way.
 - (B) The interactive informational display shall consist of a freestanding structure, not exceeding 48 inches in height.
 - (C) The display area shall not exceed 8 square feet, and shall be essentially horizontal in its orientation so as not to be functionally viewable from adjoining streets or sidewalks.



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- (D) No signs regulated under Article 7 of this chapter shall be attached to the interactive informational display structure, nor shall there be any speaker boxes, public address systems, or other devices for reproducing or amplifying voices or sound attached to or associated with the structure.”

SECTION 5. Section 21-9.80-4, Revised Ordinances of Honolulu 1990, as amended (“General requirements and design controls”) is amended by amending subsection (d) as follows:

- “(d) Planned Development-Resort (PD-R) and [Planned Development-Commercial (PD-C)] Planned Development-Apartment (PD-A) Projects. The purpose of the PD-R and [PD-C] PD-A options is to provide opportunities for creative redevelopment not possible under a strict adherence to the development standards of the special district. Flexibility may be provided for project density, height, precinct transitional height setbacks, yards, open space and landscaping when timely, demonstrable contributions benefiting the community and the stability, function, and overall ambiance and appearance of Waikiki are produced.

Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to more detailed review and approval by the department.

PD-R and [PD-C] PD-A projects shall be subject to the following:

- (1) PD-R and [PD-C] PD-A Applicability.
- (A) PD-R projects shall only be permitted in the resort mixed use precinct, and [PD-C] PD-A projects shall only be permitted in the [resort-commercial] apartment precinct.
- (B) The minimum project size shall be one acre. Multiple lots may be part of a single PD-R or [PD-C] PD-A project if all lots are under a single owner and/or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
- (i) The lots are not contiguous solely because they are separated by a street or right-of-way that is not a major street as shown on Exhibit 21-9.15; and



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- (ii) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, shall have a minimum area of 20,000 square feet, but subject to the minimum overall project size of one acre.

When a project consists of noncontiguous lots as provided above, bridges or other design features connecting the separated lots are strongly encouraged, to unify the project site. Multiple lots that are part of an approved single PD-R or [PD-C] PD-A project shall be considered and treated as one zoning lot for purposes of the project, provided that no conditional use permit-minor for a joint development shall be required therefor.

- (2) PD-R and [PD-C] PD-A Use Regulations. Permitted uses and structures shall be as enumerated for the underlying precinct in Table 21-9.6(A).
- (3) PD-R and [PD-C] PD-A Site Development and Design Standards. The standards set forth by this subdivision are general requirements for PD-R and [PD-C] PD-A projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, such modification or reduction shall be for the purpose of accomplishing a project design consistent with the goals and objectives of the Waikiki special district and this subsection (d).
 - (A) [Maximum] In PD-R projects, maximum project floor area shall not exceed an FAR of 4.0, except:
 - (i) If the existing FAR is greater than 3.33, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 5.0; or
 - (ii) If the existing FAR is greater than 5.0, then the existing FAR may be the maximum density.

In PD-A projects, maximum project floor area shall not exceed an FAR of 3.0, except:

- (i) If the existing FAR is greater than 3.0, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 4.0; or



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- (ii) If the existing FAR is greater than 4.0, then the existing FAR may be the maximum density.

In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced.

- (B) Maximum building height shall be 350 feet, but this standard may be reduced.
 - (C) Precinct transitional height setbacks shall be as set forth in Table 21-9.6(B), but these standards may be modified.
 - (D) Minimum yards shall be 15 feet, but this standard may be modified.
 - (E) Minimum open space shall be at least 50 percent of the zoning lot area, but this standard may be modified when beneficial public open spaces and related amenities are provided.
 - (F) Landscaping requirements shall be as set forth in subsection (f), but these standards may be modified.
 - (G) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located shall apply.
- (4) Approval of PD-R or [PD-C] PD-A Projects.
- (A) Application Requirements. An application for approval of a PD-R or [PD-C] PD-A project shall contain:
 - (i) A project name;
 - (ii) A location map showing the project in relation to the surrounding area;



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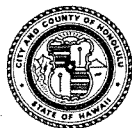
- (iii) A site plan showing the locations of buildings and other major structures, proposed open space and landscaping system, and other major activities. It shall also note property lines, the shoreline, shoreline setback lines, beach access and other public and private access, when applicable;
 - (iv) A narrative description of the overall development and design concept; the general mix of uses; the basic form and number of structures; the estimated number of proposed hotel and other dwelling or lodging units; general building height and density; how the project achieves and positively contributes to a Hawaiian sense of place; proposed public amenities, development of open space and landscaping; how the project achieves a pedestrian orientation; and potential impacts on, but not necessarily limited to, traffic circulation, parking and loading, security, sewers, potable water, and public utilities;
 - (v) An open space plan and integrated pedestrian circulation system;
 - (vi) A narrative explanation of the project's architectural design relating the various design elements to a Hawaiian sense of place and the requirements of the Waikiki special district; and
 - (vii) A parking and loading management plan.
- (B) Procedures. Applications for approval of PD-R or [PD-C] PD-A projects shall be processed in accordance with Section 21-2.110-2.
- (C) No project shall be eligible for PD-R or [PD-C] PD-A status unless the council has first approved a conceptual plan for the project.
- (D) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to its approval of a conceptual plan for a PD-R or [PD-C] PD-A project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:
- (i) Requested project boundaries and design flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space and



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landscaping are consistent with the Waikiki special district objectives and the provisions of this subsection (d);

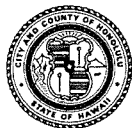
- (ii) Requested flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping is commensurate with the public amenities proposed; and
 - (iii) When applicable, there is no conflict with any visitor unit limits for Waikiki as set forth under Chapter 24.
- (E) Deadline for Obtaining Building Permit for Project.
 - (i) A council resolution of approval for a conceptual plan for a PD-R or [PD-C] PD-A project shall establish a deadline within which the building permit for the project shall be obtained. For multiphase projects, deadlines shall be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any building permit within the prescribed period shall render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline shall be deemed a failure to comply with the deadline.
 - (ii) The resolution shall further provide that a deadline may be extended as follows: The director may extend the deadline if the applicant demonstrates good cause, but the deadline shall not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion. If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report shall include the director's findings and recommendations thereon and a proposed resolution approving the extension. The council may approve the proposed extension or an extension for a



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shorter or longer period, or deny the proposed extension, by resolution. If the council fails to take final action on the proposed extension within the first to occur of (aa) 60 days after the receipt of the director's report or (bb) the applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied. The director shall notify the council in writing of any extensions granted by the director that do not require council approval.

- (F) Approval by Director. Upon council approval of the conceptual plan for the PD-R or [PD-C] PD-A project, the application for the project, as approved in concept by the council, shall continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria shall be used by the director to review applications:
- (i) The project shall conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;
 - (ii) The project also shall implement the objectives, guidelines, and standards of the Waikiki special district and this subsection (d);
 - (iii) The project shall exhibit a Hawaiian sense of place. The document "Restoring Hawaiianness to Waikiki" (July 1994) and the supplemental design guidebook to be prepared by the director should be consulted by applicants as a guide for the types of features which may fulfill this requirement;
 - (iv) The project shall demonstrate a high level of compliance with the design guidelines of this special district and this subsection (d);
 - (v) The project shall contribute significantly to the overall desired urban design of Waikiki;
 - (vi) The project shall reflect appropriate "contextual architecture";
 - (vii) The project shall demonstrate a pedestrian system, open spaces, landscaping and water features (such as water



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gardens and ponds) which are integrated and prominently conspicuous throughout the project site at ground level;

- (viii) The open space plan shall provide useable open spaces, green spaces, water features, public places and other related amenities that reflect a strong appreciation for the tropical environmental setting reflective of Hawaii;
- (ix) The system of proposed pedestrian elements shall contribute to a strong pedestrian orientation which shall be integrated into the overall design of the project, and shall enhance the pedestrian experience between the project and surrounding Waikiki areas; and
- (x) The parking management plan shall minimize impacts upon public streets where possible, shall enhance local traffic circulation patterns, and shall make appropriate accommodations for all anticipated parking and loading demands. The approved parking management plan shall constitute the off-street parking and loading requirements for the project."

SECTION 6. Section 21-9.80-4, Revised Ordinances of Honolulu 1990, as amended ("General requirements and design controls") is amended by amending subsection (g) to read as follows:

"(g) Height Regulations.

- (1) Rooftop Height Exemption. The director may exempt necessary mechanical appurtenances, and utilitarian and architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose they serve, but in no case exceeding 18 feet above the maximum height limit for roof forms and 12 feet above the maximum height limit for all other appurtenances and features. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Waikiki special district. The design of roof treatment shall be attractive, contextual and an integral part of the building's design scheme. Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provision of this subsection.



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- (2) Coastal Height Setbacks. In addition to the above limits, there is a need to step back tall buildings from the shoreline to maximize public safety and the sense of open space and public enjoyment associated with coastal resources. Accordingly, the following minimum setbacks shall apply to all zoning lots along the shoreline:
- (A) There shall be a building height setback of 100 feet in which no structure shall be permitted. This setback shall be measured from the certified shoreline; and
- (B) Beyond the 100-foot line there shall be a building height setback of 1:1 (45 degrees) measured from the certified shoreline. (See Exhibit 21-9.15.)
- (3) The council by resolution may approve a building that exceeds the building height limits established in Exhibit 21-9.15 and on the zoning map, provided that the council determines that the building with the added height would not be visible within the view cones from the Punchbowl lookouts towards Diamond Head and the horizon line of the ocean or from the Kalakaua Avenue frontage of Fort DeRussy towards the slopes and ridgeline of the Koolau Range, and the building does not exceed a height of 350 feet.

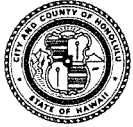
SECTION 7. Section 21-9.80-4, Revised Ordinances of Honolulu 1990, as amended ("General requirements and design controls") is amended by amending subsection (h) to read as follows:

- "(h) Parking. Off-street parking shall be provided in accordance with Article 6 and Table 21-6.3. Notwithstanding the foregoing, ground floor and basement uses, other than dwelling uses, and retail establishments and eating establishments on lots less than 10,000 square feet in area, in the Waikiki special district shall be exempt from off-street parking requirements."

SECTION 8. Section 21-9.80-6), Revised Ordinances of Honolulu 1990, as amended ("Resort mixed use precinct") is amended as follows:

"Sec. 21-9.80-6 Resort mixed use precinct

- (a) Permitted Uses. Within the resort mixed use precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).



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- (b) Development Standards. Uses and structures within the resort mixed use precinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) Additional Development Standards.
- [(1) Minimum Open Space Requirements. A minimum percentage of the zoning lot shall be devoted to open space for all developments in the resort mixed use precinct. Minimum open space for a zoning lot shall be as provided below, except that when required yards exceed this standard, the minimum standard for required yards shall be considered the minimum open space requirement for the zoning lot.

FAR	Percent of zoning lot
Less than 1.0	10
1.0 - 1.25	25
1.26 - 1.5	35
Greater than 1.5	50]

(1) Floor Area Bonus.

- (A) For each square foot of public open space provided, exclusive of required yards, 10 square feet of floor area may be added;
- (B) For each square foot of open space devoted to pedestrian use and landscape area at ground level provided, exclusive of required yards, five square feet of floor area may be added;
- (C) For each square foot of arcade area provided, exclusive of required yards, three square feet of floor area may be added; and
- (D) For each square foot of rooftop landscaped area provided, one square foot of floor area may be added.
- (2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).



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- (d) Additional Use Standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm²."

SECTION 9. Section 21-9.80-7, Revised Ordinances of Honolulu 1990, as amended ("Resort commercial precinct") is amended as follows:

"[Sec. 21-9.80-7 Resort commercial precinct.

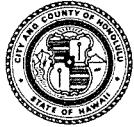
- (a) Permitted Uses. Within the resort commercial precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
- (b) Development Standards. Uses and structures within the resort commercial precinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) Additional Development Standards.
- (1) Open Space Bonus.
- (A) For each square foot of public open space provided, 10 square feet of floor area may be added, exclusive of required yards;
- (B) For each square foot of open space devoted to pedestrian use and landscape area at ground level provided, five square feet of floor area may be added; and
- (C) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards.
- (2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, an additional front height setback equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. When a zoning lot adjoins a zoning lot in the apartment precinct, the same additional side and rear height setbacks shall also be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
- (d) Additional Use Standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm²."



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SECTION 10. Table 21-9.6(A), Revised Ordinances of Honolulu 1990, as amended ("Waikiki Special District Precinct Permitted Uses and Structures") is amended as follows:

Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures				
Use or Structure	Precinct			
	Apartment	Resort Mixed Use	[Resort- Commercial]	Public
Amusement and recreational facilities, indoor		P	[P]	
Amusement facilities, outdoor		C		
Antennas, receive-only	Ac	Ac	[Ac]	Ac
Art galleries and museums	C (Museums only)	P	[P]	
Automobile rental establishments (excluding repair facilities and open parking lots)		P	[P]	
Automobile service stations, excluding repair facilities			[P]	
Bars, cabarets, nightclubs, taverns ¹		P	[P]	
Boarding facilities	P	P	[P]	
Broadcasting facilities		P	[P]	
Business services		P	[P]	
Commercial parking lots and garages		P	[P]	
Convenience stores	P-AMX	P	[P]	
Dance or music schools		P	[P]	
Day-care facilities	C	P	[P]	
Dwellings, multifamily ²	P	P	[P ³]	
Eating establishments ¹	P-AMX	P	[P]	
Financial institutions	P-AMX	P	[P]	
Group living facilities	C	C	[C]	
Historic structures, use of	C	Cm	[Cm]	Cm
Home occupations	Ac	Ac	[Ac]	
Hotels		P		



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Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures				
Use or Structure	Precinct			
	Apartment	Resort Mixed Use	[Resort- Commercial]	Public
Joint development	Cm	Cm	[Cm]	
Joint use of parking	Cm	Cm	[Cm]	
Laboratories, medical		P	[P]	
Marina accessories		P	[P]	
Medical clinics	P-AMX	P	[P]	
Meeting facilities	C	P	[P]	
Neighborhood grocery stores	Cm	N/A	[N/A]	
Offices		P	[P]	
Off-site parking facilities	Cm	Cm	[Cm]	
Personal services	P-AMX	P	[P]	
Photographic processing		P	[P]	
Photographic studios		P	[P]	
Public uses and structures	P	P	[P]	P
Real estate offices	P-AMX	P	[P]	
Retail establishments	P-AMX	P	[P]	
Schools, language		P	[P]	
Schools, vocational, provided they do not involve the operation of woodwork shops, machine shops or similar industrial features		P	[P]	
Theaters		P	[P]	
Time sharing		P		
Transient vacation units		P		
Travel agencies	P-AMX	P	[P]	
Utility installations, Type A	P9	P9	[P9]	P9
Utility installations, Type B	Cm	Cm	[Cm]	Cm

Ministerial uses:

Ac = Special accessory use. Also see: Article 10, Accessory use; and Section 21-5.330, Home occupations

P = Permitted principal use



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- P9 = Permitted principal use subject to standards enumerated in Article 9; see Section 21-9.80-5(d), 21-9.80-6(d), 21-9.80-7(d) or 21-9.80-8(d)
- P-AMX = Within the apartment precinct, a permitted principal use only within the apartment mixed use subprecinct

Discretionary uses:

- Cm = Requires an approved Conditional Use Permit - minor subject to standards in Article 5; no public hearing required
- C = Requires an approved Conditional Use Permit - major subject to standards in Article 5; public hearing required

Other:

- N/A = Not applicable as a land use category in that precinct, since it is already regulated under another land use category.

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that precinct.

¹ Provided a solid wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining the apartment precinct.

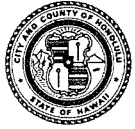
² Provided that where these uses are integrated with other uses, pedestrian access shall be independent from the other uses, and no building floor shall be used for both dwelling and commercial purposes.

³ Multifamily dwelling units shall only be permitted between Ala Wai Boulevard and Kuamoo Avenue in the resort commercial precinct.]”

SECTION 11. Table 21-9.6(B) (Waikiki Special District Precinct Development Standards), Revised Ordinances of Honolulu 1990, is amended as follows:

“

Table 21-9.6(B) Waikiki Special District Precinct Development Standards					
Development standard		Precinct			
		Apartment	Resort mixed use	[Resort- commercial]	Public
Minimum lot area (square feet)		10,000	10,000	[5,000]	n/a
Minimum lot width and depth (feet)		50	50	[50]	
Yards ¹ (feet)	Front	15 ²	15-20 ²	[15-20 ²]	As approved by director
	Side and rear	10 ²	0-10 ³	[0-10 ³]	



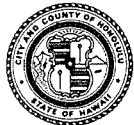
A BILL FOR AN ORDINANCE

Table 21-9.6(B) Waikiki Special District Precinct Development Standards				
Development standard	Precinct			
	Apartment	Resort mixed use	[Resort-commercial]	Public
Maximum density (FAR) apartment precinct only^{4,5}	Lot Area (sq. ft.) [Less than 7,500 7,500 - 69,999 70,000 or more <u>Less than 20,000</u> <u>20,000 or more</u>	FAR calculation $\text{FAR} = (.00009 \times \text{lot area}) + .08$ $\text{FAR} = (.000009 \times \text{lot area}) + .85$ $\text{FAR} = 1.50]$ <u>$\text{FAR} = (.00003 \times \text{lot area}) + 1.3$</u> <u>$\text{FAR} = 1.9$</u>		
[Maximum density (FAR) resort mixed use precinct only⁵]	[Lot area (sq. ft.) Less than 10,000 10,000 - 29,999 30,000 - 89,999 90,000 or more	FAR calculation $\text{FAR} = (.00013 \times \text{lot area}) + .03$ $\text{FAR} = (.00003 \times \text{lot area}) + 1.05$ $\text{FAR} = (.000014 \times \text{lot area}) + 1.54$ $\text{FAR} = 2.8]$		
Maximum density (FAR) other precincts	n/a	[n/a] <u>1.0⁵</u>	[1.75 ⁵]	As approved by director
Minimum open space (percent of zoning lot)	[50] <u>FAR less than 1.5 = 35% of lot</u> <u>FAR 1.5 or more = 50% of lot</u>	[0-50 See Sec. 21-9.80-6(c)(1)] <u>0.00</u>	[0.00]	n/a
Open space bonus	Available	No	[No] <u>Yes</u> <u>See Sec. 21-9.80-6(c)(1)</u>	
	Max FAR	n/a	[Yes See Sec. 21-9.80-7(c)(1)] <u>[3.5⁵]</u>	
Maximum height (feet)	Per zoning map and Exhibit 21-9.15 <u>or as provided in Sec. 21-9.80-4(g)(3)</u>			As approved by director
Transitional height setbacks	Per Sec. 21-9.80-5(c)(2)	Per Sec. 21-9.80-6(c)(2)	[Per Sec. 21-9.80-7(c)(2)]	

n/a = Not applicable

¹Except for necessary access drives and walkways, all yards shall be landscaped.

²An average of 20 feet for zoning lots fronting Kuhio Avenue, Kalakaua Avenue, Ala Moana and Ala Wai Boulevard within the resort mixed use [and resort commercial precincts,] precinct, and an average of 15 feet for all other zoning lots, provided: (1) The average yard may vary between the front property line and twice the minimum front yard so long as the yard area street-side of the required yard is equal to the yard area behind the required yard, (2) the yard configuration shall be integrated to the extent feasible with yards and open spaces provided by adjoining lots, and (3) the undulation of the setback line shall result in



A BILL FOR AN ORDINANCE

a design acceptable by the director (see Figure 21-9.1). In the apartment precinct, required yards on lots that are less than 10,000 square feet in area may be adjusted as follows: (1) porches and entry canopies may project into the required yards by up to 5 feet, and (2) the minimum side and rear yard for buildings that are lower than 40 feet in height is 5 feet, plus 1 foot additional setback for every four feet for building height above 20 feet.

³Except for zoning lots adjoining an apartment precinct, side and rear yards shall not be required. Ten feet where a zoning lot adjoins an apartment precinct, unless there is a parking structure or lot on the adjacent apartment precinct zoning lot located within 10 feet of the common property line for more than 75 percent of the length of the common property line. In this case, there shall not be a required yard.

⁴See Sec. 21-9.80-5(c)(1) for commercial use location standards within the apartment mixed use subprecinct.

⁵In computing the permissible floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Portions of buildings devoted to lanais and balconies shall not count as floor area."

SECTION 12. Exhibit 21-9.13, Revised Ordinances of Honolulu 1990, as amended ("Waikiki Special District Zoning Precincts") is amended by deleting the existing map dated January 30, 1996, and replacing it with the following:

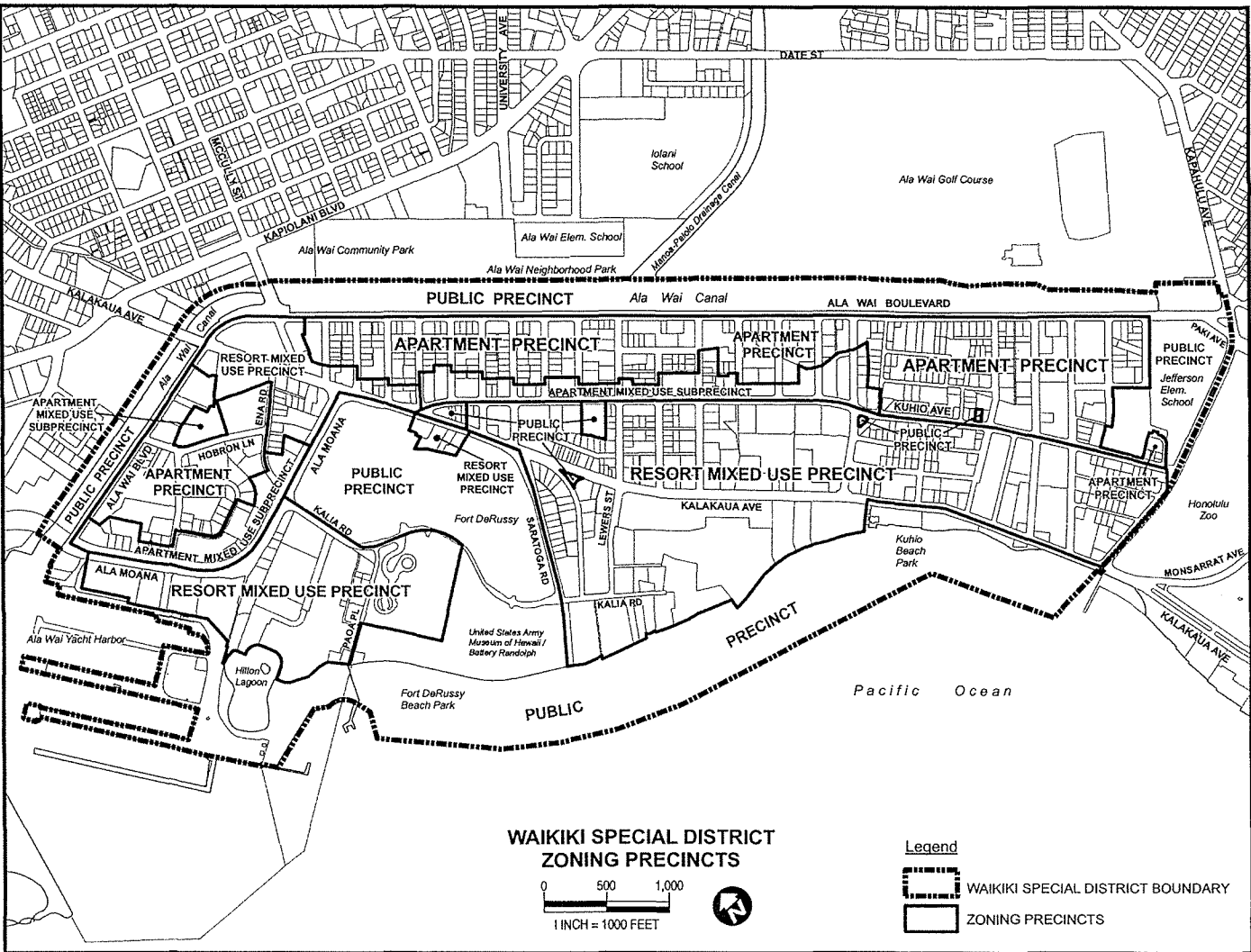


CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 1-30

BILL 52 (2011), CD1

A BILL FOR AN ORDINANCE



Date Prepared: October 17, 2011

EXHIBIT 21-9.13



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SECTION 13. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.

SECTION 14. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ernest Martin (BR)

DATE OF INTRODUCTION:

September 8, 2011
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Don S. Kirtorby
Deputy Corporation Counsel

APPROVED this 14th day of December, 2011.

Peter B. Carlisle
PETER B. CARLISLE, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 11-30

BILL 52 (2011), CD1

Introduced: 09/08/11 By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

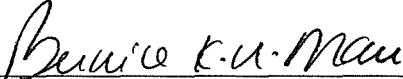
Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO THE WAIKIKI SPECIAL DISTRICT.

Links: [BILL 52 \(2011\)](#)
[BILL 52 \(2011\), CD1](#)
[CR-316](#)
[CR-364](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	09/16/11	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON ZONING AND PLANNING.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
PUBLISH	09/24/11	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
ZONING AND PLANNING	09/29/11	CR-316 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING. CURRENT DEADLINE: 11/23/11 (GRANTED A 120-DAY EXTENSION OF TIME (NEW DEADLINE: MARCH 22, 2012)).							
COUNCIL/PUBLIC HEARING	10/05/11	CR-316 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y*	HARIMOTO	Y	KOBAYASHI	Y*	MARTIN	Y		
ZONING AND PLANNING	10/10/11	BILL DEFERRED IN COMMITTEE.							
PUBLISH	10/19/11	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
ZONING AND PLANNING	11/17/11	CR-364 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD1</u> FORM.							
COUNCIL	12/07/11	CR-364 ADOPTED AND BILL 52 (2011), CD1 PASSED THIRD READING AS AMENDED.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER